IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 13952 of 2006(J)

PETITIONER:

SHANTHAKUMARAN, OOTTARA, VADAVANNOOR VILLAGE, CHITTOOR TALUK.

BY ADV. SRI.K.ANAND.

RESPONDENTS:

1. **THE TAHSILDAR, TALUK OFFICE, CHITTUR,**
2. **THE DISTRICT COLLECTOR, PALAKKAD.**
3. **THE REVENUE DIVISIONAL OFFICER, PALAKKAD.**
4. **THE SUPERINTENDENT OF POLICE, PALAKKAD DISTRICT.**
5. **THE SUB INSPECTOR OF POLICE, KOLLAMKODE POLICE STATION.**
6. **VIVEKANANDAN, KARADITHODIVEEDU, OOTTARA, CHITTOOR TALUK.**
7. **SMT.PRIYA GOPINATH, KARADITHODIVEEDU, OOTTARA, CHITTOOR TALUK.**

BY ADV. SRI.JACOB SEBASTIAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007,ALONG WITH W.P.(C). NO. 15020/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.13952/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 17/05/2006 SUBMITTED BY THE PETITIONER TO THE R.2.

EXT.P.2: COPY OF THE REPLY NO: (PGR2) FILE NO: 2006/18571/9 DTD. 17/05/2006.

EXT.P.3: COPY OF THE REPRESENATION DTD. 20/05/2006 SUBMITTED BY THE PETITIONER TO THE R.1.

EXT.P.4: COPY OF THE REPLY NO: F3-3014/06 DTD. 20/05/06.

EXT.P.5: COPY OF THE ORDER DTD. 25/05/2006.

EXT.P.6: COPY OF THE NEWS PAPER REPORT IN MATHRUBHOOMI DAILY DTD.23/05/2006.

EXT.P.7: COPY OF THE REPRESENTATION DTD 26/05/2006.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.

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W.P.(C) Nos.13952 & 15020 OF 2006
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Dated this the 19th September, 2007

J U D G M E N T

This is yet another case of fight within the family over a piece of land. Petitioner in W.P.(C) No. 13952/06 filed a complaint before the District Collector, Palakkad alleging that respondents 6 and 7 therein are attempting to change the use of the land in violation of the Land Utilisation Order. Pursuant to the complaint filed by him two orders were passed by the Village Officer and the Tahsildar which are dated 17-5-2006 and 25-5-2006 and produced as Exts. P2 and P3 in W.P.(C) No. 15026/06. By these orders, the aforesaid respondents were restrained from doing ginger cultivation in the land mentioned above and it is primarily for the implementation of these orders W.P(C) No. 13952/06 is filed. It is seeking to quash the aforesaid orders W.P.(C) No. 15020/06 is filed by the 6th respondent in W.P.(C) No. 13952/06.

2. The prayer in the earlier writ petition is to restrain the aforesaid respondents from converting the

paddy field into ginger cultivation. At the time of admission of W.P.(C) 15020/06 this Court passed an interim direction restraining the respondents therein from interfering with the agricultural operations in the property in Re-sy. No. 74/2 in Vadavannur Village, Chittur Taluk and the said order continues to be in force.

3. From the above it is evident that pursuant to Ext. P1 complaint filed by the petitioner in W.P.(C) No. 13952/06, Exts. P2 and P3 in W.P.(C) No. 15020/06 were issued. These are interlocutory orders and proceedings under the Land Utilisation Order are still pending before the District Collector, Palakkad. Therefore the only order that is now required to be passed is to direct the District Collector, Palakkad to finalise the proceedings pursuant to Ext. P1 complaint in W.P.(C) No. 13952/06 as expeditiously as possible, at any rate within a period of eight weeks from the date of receipt of a copy of this judgment with notice to the parties to the proceedings and after hearing them.

4. It is now submitted by the petitioner in W.P.

(C) No. 13952/06 that subsequently he had filed yet another complaint before the District Collector. If that be so, the District Collector will take into account that complaint as well. In the meantime, the order restraining respondents 1 to 4 and 6 in W.P.(C) No. 15020/06 from interfering with the agricultural operations in the property mentioned therein will remain in force.

However, it is clarified that on the strength of of this interim order the petitioner in W.P.(C) No. 15020/06 shall not make any attempt to fill up the land as apprehended by the petitioner in W.P.(C) No. 13952/6.

Petitioners shall produce a copy of the judgment before the District Collector, Palakkad for compliance.

ANTONY DOMINIC
JUDGE

jan/-